United Nations S/2007/563

Security Council

Distr.: General
25 September 2007
English
Original: French

Draft resolution

The Security Council,

Recalling its resolutions and the statements of its president concerning Chad, the Central African Republic and the subregion, including resolution 1769,

Reaffirming its commitment to the sovereignty, unity, territorial integrity and political independence of Chad and the Central African Republic, and to the cause of peace in the region,

Deeply concerned at the activities of armed groups and other attacks in eastern Chad, the north-eastern Central African Republic and western Sudan which threaten the security of the civilian population, the conduct of humanitarian operations in those areas and the stability of those countries, and which result in serious violations of human rights and international humanitarian law,

Reaffirming that any attempt at destabilization through violent means or seizing power by force is unacceptable,

Recalling that the Governments of Chad and the Central African Republic bear primary responsibility for ensuring the security of civilians in their territories,

Reiterating its concern that the ongoing violence in Darfur, eastern Chad and the north-eastern Central African Republic might further negatively affect the region,

Recalling the Tripoli Agreement of 8 February 2006 and the other bilateral and multilateral agreements between the Governments of the Sudan, Chad and the Central African Republic, *stressing* that a proper settlement of the Darfur issue and an improvement of relations between Sudan, Chad and the Central African Republic will contribute to long-term peace and stability in the region, and *welcoming* the communiqué of the 70th meeting of the Peace and Security Council of the African Union, concerning the relations between Chad and the Sudan, which was held on 12 and 13 February 2007,

Reiterating its full support for the efforts of the Secretary-General and of the African Union to revive the peace process begun by the Darfur Peace Agreement, consolidate the ceasefire and reinforce the peacekeeping presence in Darfur,

Reaffirming its resolutions 1325 (2000) on women, peace and security, 1502 (2003) on the protection of humanitarian and United Nations personnel, and 1674 (2006) on the protection of civilians in armed conflict,

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Reaffirming its resolution 1612 (2005) on children in armed conflict, *taking note* of the report of the Secretary-General on children and armed conflict in Chad (S/2007/400) and the recommendations therein, and *recalling* the conclusions regarding Chad subsequently adopted by its Working Group on Children and Armed Conflict (S/AC.51/2007/16),

Bearing in mind the Convention relating to the Status of Refugees of 28 July 1951 and its additional protocol of 16 December 1966,

Emphasizing the need to preserve the civilian nature of the refugee camps and internally displaced persons sites and to prevent any recruitment of individuals, including children, which might be carried out in or around the camps by armed groups,

Welcoming the signing on 13 August 2007 in N'Djamena of the Political Agreement for the reinforcement of the democratic process in Chad,

Having examined the report of the Secretary-General (S/2007/488) of 10 August 2007 (hereinafter referred to as "the report of the Secretary-General") and its recommendations for the deployment of an international presence in the regions of eastern Chad and the north-eastern Central African Republic indicated in paragraph 37 thereof (hereinafter referred to as "eastern Chad and the north-eastern Central African Republic"),

Welcoming the readiness of the European Union, expressed at the meeting of the Council of the European Union held on 23 and 24 July 2007, to consider the establishment, for a 12-month duration, of an operation to support the United Nations presence in eastern Chad and the north-eastern Central African Republic, and *taking note* of the letter dated 17 September 2007 from the Secretary-General/High Representative of the Council of the European Union (S/2007/560, annex),

Welcoming the letter from the authorities of Chad dated 11 September 2007 (S/2007/540) and the letter from the authorities of the Central African Republic dated 17 September 2007 (S/2007/551) approving the deployment of an international presence provided by the United Nations and the European Union,

Determining that the situation in the region of the border between the Sudan, Chad and the Central African Republic constitutes a threat to international peace and security,

1. *Approves* the establishment in Chad and the Central African Republic, in accordance with paragraphs 2 to 6 below and in consultation with the authorities of Chad and the Central African Republic, of a multidimensional presence intended to help create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons, inter alia by contributing to the protection of refugees, displaced persons and civilians in danger, by facilitating the provision of humanitarian assistance in eastern Chad and the north-eastern Central African Republic and by creating favourable conditions for the reconstruction and economic and social development of those areas;

2. *Decides* that the multidimensional presence shall include, for a period of one year, a United Nations Mission in the Central African Republic and Chad (the acronym MINURCAT is to be used in all languages), with the following mandate in

eastern Chad and the north-eastern Central African Republic, in liaison with the United Nations country team:

Security and protection of civilians

(a) To select, train, advise and facilitate support to elements of the Police tchadienne pour la protection humanitaire referred to in paragraph 5;

(b) To liaise with the national army, the gendarmerie and police forces, the nomad national guard, the judicial authorities and prison officials in Chad and the Central African Republic to contribute to the creation of a more secure environment;

(c) To liaise with the Chadian Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) in support of their efforts to relocate refugee camps which are in close proximity to the border, and to provide to UNHCR, on availability and cost-reimbursable basis, logistical assistance for that purpose;

(d) To liaise closely with the Sudanese Government, the African Union, the African Union Mission in the Sudan (AMIS), the African Union/United Nations Hybrid operation in Darfur (UNAMID) which will succeed it, the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA), the Multinational Force of the Central African Economic and Monetary Community (FOMUC) and the Community of Sahelo-Saharan States (CEN-SAD) to exchange information on emerging threats to humanitarian activities in the region;

Human rights and the rule of law

(e) To contribute to the monitoring and to the promotion and protection of human rights, with particular attention to sexual and gender-based violence, and to recommend action to the competent authorities, with a view to fighting impunity;

(f) To support, within its capabilities, efforts aimed at strengthening the capacity of the Governments of Chad and the Central African Republic and civil society through training in international human rights standards, and efforts to put an end to recruitment and use of children by armed groups;

(g) To assist the Governments of Chad and, notwithstanding the mandate of BONUCA, the Central African Republic in the promotion of the rule of law, including through support for an independent judiciary and a strengthened legal system, in close coordination with United Nations agencies;

3. *Decides* that MINURCAT shall include a maximum of 300 police and 50 military liaison officers and an appropriate number of civilian personnel;

4. *Requests* the Secretary-General and the Governments of Chad and the Central African Republic to conclude status-of-forces agreements for MINURCAT as soon as possible, taking into account General Assembly resolution 59/47 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, General Assembly resolution 60/42 on the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel and General Assembly resolution 61/133 on the Safety and Security of Humanitarian Personnel and the Protection of United Nations Personnel, and *notes* that the model status-of-forces agreement of 9 October 1990 (A/45/594) shall apply provisionally pending the conclusion of such an agreement with one or other of the countries;

5. *Endorses* the police concept referred to in the report of the Secretary-General, including the provisions regarding the establishment of the Police tchadienne pour la protection humanitaire (PTPH), which would be dedicated exclusively to maintaining law and order in refugee camps, sites with concentrations of internally displaced persons and key towns in neighbouring areas and to assisting in securing humanitarian activities in eastern Chad, and, in this regard, *encourages* the Government of Chad to establish the PTPH, *emphasizes* the urgent need to provide logistical and financial support to the PTPH and *requests* the Secretary-General to mobilize member States and institutional donors for this purpose;

6. *Acting* under Chapter VII of the Charter of the United Nations,

(a) *Authorizes* the European Union to deploy, for a period of one year from the date that its initial operating capability is declared by the European Union in consultation with the Secretary-General, an operation (hereinafter referred to as "the European Union operation") aimed at supporting the elements referred to in paragraphs 2 to 4, and *decides* that this operation shall be authorized to take all necessary measures, within its capabilities and its area of operation in eastern Chad and the north-eastern Central African Republic, to fulfil the following functions, in accordance with the arrangement to be concluded between the European Union and the United Nations, in liaison with the Governments of Chad and the Central African Republic:

(i) To contribute to protecting civilians in danger, particularly refugees and displaced persons;

(ii) To facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations;

(iii) To contribute to protecting United Nations personnel, facilities, installations and equipment and to ensuring the security and freedom of movement of its staff and United Nations and associated personnel;

(b) *Authorizes* the European Union operation, at the close of the period referred to in subparagraph a, to take all appropriate measures to achieve an orderly disengagement, by means including fulfilment of the functions indicated in subparagraph a, and within the limits of its residual capacity;

7. *Invites* the European Union, as may be required for the proper execution of the mandate of its operation, to take part in the liaison and support activities referred to in paragraphs 2 (b) to 2 (d);

8. *Invites* the European Union operation to immediately take all appropriate measures to prepare its full operational capability and *requests* the Secretary-General to coordinate closely with the European Union particularly with regard to those arrangements required to ensure appropriate protection for United Nations personnel, facilities, installations and equipment and ensure freedom of movement of United Nations staff;

9. *Requests* the European Union, the Secretary-General and the Governments of Chad and the Central African Republic to cooperate closely throughout the period of deployment of the European Union operation, until its complete disengagement;

10. *Requests* the Secretary-General to report to it, after due consultations with the Governments of Chad and the Central African Republic, six months from the date indicated in paragraph 6, subparagraph a, on the arrangements for following up the intended European Union operation which has been authorized for a one-year period, including a possible United Nations operation, depending on the developments in the situation, and *notes* that, to that end, the United Nations and the European Union shall perform an evaluation of needs before the date in question;

11. *Invites* the Governments of Chad and the Central African Republic and the European Union to conclude status-of-forces agreements as soon as possible for the operation referred to in paragraph 6;

12. *Requests* the European Union to report to the Security Council, in the middle and at the end of the period referred to in paragraph 6, subparagraph a, above, on how its operation will fulfil its mandate;

13. *Calls upon* all the parties to cooperate fully in the deployment and operations of MINURCAT and the European Union operation, including by guaranteeing the security and freedom of movement of their personnel and associated personnel;

14. *Urges* all the Member States, particularly the States bordering Chad and the Central African Republic, to facilitate the delivery to Chad and the Central African Republic freely, without obstacles or delay of all personnel, equipment, provisions, supplies and other goods, including vehicles and spare parts, intended for MINURCAT and the European Union operation;

15. *Encourages* the respective Governments of the Sudan, Chad and the Central African Republic to ensure that their territories are not used to undermine the sovereignty of others and to cooperate actively with a view to implementing the Tripoli Agreement and other agreements aimed at ensuring security along their common borders;

16. *Encourages* the authorities and political stakeholders in Chad and the Central African Republic to pursue their efforts of national dialogue, with respect for the constitutional frameworks;

17. *Reaffirms* the obligation of all parties to implement fully the rules and principles of international humanitarian law, particularly those regarding the protection of humanitarian personnel, and furthermore *requests* all the parties involved to provide humanitarian personnel with immediate, free and unimpeded access to all persons in need of assistance, in accordance with applicable international law;

18. *Takes note* of the measures already undertaken by the authorities of Chad to put an end to the recruitment and use of children by armed groups, *encourages* them to pursue their cooperation with United Nations bodies, particularly UNICEF, and *calls on* all the parties involved to ensure that children are protected;

19. *Exhorts* the donor community to redouble its efforts to address the humanitarian, reconstruction and development needs of Chad and the Central African Republic;

20. *Requests* the Secretary-General to keep it informed of the liaison arrangements set out in OP2-b to 2-d above, and to report regularly on the security

and humanitarian situation, including movements of refugees and internally displaced persons, in eastern Chad, the north-eastern Central African Republic and the region, of progress towards the objective of helping to create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons and of the implementation of the mandate of MINURCAT, and to submit to it a report on that matter every three months;

21. *Decides* to remain actively seized of the matter.